

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAURICE VASQUEZ,

Plaintiff,

-Against-

McALLISTER TOWING AND TRANSPORTATION
COMPANY, INC and McALLISTER TOWING
OF NEW YORK, LLC.

Defendants.

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INDEX NO.: 12 Civ. 5442

COMPLAINT

PLAINTIFF DEMANDS
A TRIAL BY JURY

SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES

**SUITS UNDER SPECIAL RULE FOR SEAMAN TO SUE WITHOUT SECURITY OR
PREPAYMENT OF FEES FOR THE ENFORCEMENT OF THE LAWS OF THE UNITED STATES,
COMMON AND STATUTORY, FOR THE PROTECTION OF AND FOR THE HEALTH AND
SAFETY OF SEAMAN AT SEA**

JURISDICTION

Jurisdiction against Defendants' McALLISTER TOWING AND TRANSPORTATION
COMPANY, INC and McALLISTER TOWING OF NEW YORK, LLC, is based on the Jones Act
and the General Maritime Law.

Plaintiff, MAURICE VASQUEZ, by his attorneys, WERTHEIMER LAW FIRM, P.C.,
alleges upon information and belief:

FIRST COUNT

FIRST: At all times hereinafter mentioned, Defendants McALLISTER
TOWING AND TRANSPORTATION COMPANY, INC and McALLISTER TOWING OF NEW
YORK, LLC are foreign limited liability companies doing business in the State of New
York.

SECOND: At all times hereinafter mentioned, Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or Defendant McALLISTER TOWING OF NEW YORK, LLC, owned the McAllister Crew Boat.

THIRD: At all times hereinafter mentioned, Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or Defendant McALLISTER TOWING OF NEW YORK, LLC, operated the McAllister Crew Boat.

FOURTH: At all times hereinafter mentioned, Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or Defendant McALLISTER TOWING OF NEW YORK, LLC, controlled the McAllister Crew Boat.

FIFTH: At all times hereinafter mentioned, plaintiff was employed as a Deck Hand by Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or McALLISTER TOWING OF NEW YORK, LLC at their Staten Island, New York facility.

SIXTH: That on or about September 27th, 2011, a McAllister crew boat was moored at defendants' facility in Staten Island, New York.

SEVENTH: That on or about September 27th 2011, as plaintiff was working on the crew boat in the course of his duties, and without any fault on his part and wholly and solely, by reason of the negligence, recklessness and carelessness of the Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or McALLISTER TOWING OF NEW YORK, LLC, their agents, servants, and/or employees, and by reason of the unseaworthiness of the vessel, plaintiff was caused to sustain injuries.

EIGHTH: As a result of the foregoing, the plaintiff was rendered sick, sore, lame, and disabled and sustained severe permanent personal injuries, was and is internally and externally disabled, causing him to suffer pain, and for a time he was prevented

from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sum of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

NINETH: By reason of the foregoing, plaintiff has been damaged in the sum of THREE MILLION (\$3,000,000.00) DOLLARS.

SECOND COUNT

TENTH: Plaintiff repeats and realleges each and every allegation set forth in this complaint FIRST COUNT designated FIRST through NINTH in this Complaint, as if fully set forth at length herein.

ELEVENTH: Plaintiff is entitled to maintenance, cure and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

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TWELVETH: By reason of the foregoing, plaintiff has been damaged in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, plaintiff demands judgment against Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC on the FIRST count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS and on the SECOND count in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS, together with the costs of this action.

WHEREFORE, plaintiff demands judgment against Defendant McALLISTER TOWING AND TRANSPORTATION COMPANY, INC and/or Defendant McALLISTER TOWING OF NEW YORK, LLC on the first count in the sum of THREE MILLION (\$3,000,000.00) DOLLARS together with the costs of this action.

DATED: New York, New York
July 13, 2012

Robin M. Wertheimer

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